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| FORM PTO-1390<br>(REV. 10-2003)  |   | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER<br>016325-013900US  |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. 371   |   |   | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br>To Be Assigned <b>10/516635</b> |
| INTERNATIONAL APPLICATION NO.<br>PCT/US03/17725  | INTERNATIONAL FILING DATE<br>June 4, 2003 | PRIORITY DATE CLAIMED<br>June 4, 2002                   |  |
| TITLE OF INVENTION<br>METHODS OF DIAGNOSING & TREATING DIABETES AND INSULIN RESISTANCE   |   |   |  |
| APPLICANT(S) FOR DO/EO/US<br>BERNARD, Allan; GREGOIRE, Francine; LAVAN, Brian; MOODIE, Shonna<br><br>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |   |   |  |
| 1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.<br>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.<br>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.<br>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).<br>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<br>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> has been communicated by the International Bureau<br>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).<br>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<br>a. <input type="checkbox"/> is attached hereto.<br>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).<br>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<br>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> have been communicated by the International Bureau.<br>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<br>d. <input checked="" type="checkbox"/> have not been made and will not be made.<br>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).<br>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).<br>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).<br><b>Items 11 to 20 below concern document(s) or information included:</b><br>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.<br>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.<br>13. <input checked="" type="checkbox"/> A preliminary amendment.<br>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.<br>15. <input type="checkbox"/> A substitute specification.<br>16. <input type="checkbox"/> A power of attorney and/or change of address letter.<br>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.<br>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).<br>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).<br>20. <input checked="" type="checkbox"/> Other items or information:<br>Express Mail Label No. EV 383 386 764 US mailed November 30, 2004<br>International Publication No. WO 2003/102161 A3 (with International Search Report)<br>International Publication No. WO 2003/102161 A2<br>Chapter II Demand as filed with Article 34 Amendment and Sequence Listing<br>PCT Forms - PCT/IB/304, PCT/IB/308 & PCT/IB/332<br>Application Data Sheet |   |   |  |

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| U.S. APPLICATION NO. 10/316835   |              | INTERNATIONAL APPLICATION NO. PCT/US03/17725 |           | ATTORNEY'S DOCKET NUMBER 016325-013900US |                   |
| 21. <input type="checkbox"/> The following fees are submitted:   |              |  |           | CALCULATIONS PTO USE ONLY                |                   |
| <b>BASIC NATIONAL FEE (37 CFR 1.492(a) (1) - (5)):</b><br>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO .....\$1080.00 |              |  |           |  |                   |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO .....\$920.00  |              |  |           |  |                   |
| International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....\$770.00   |              |  |           |  |                   |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....\$730.00  |              |  |           |  |                   |
| International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) .....\$100.00  |              |  |           |  |                   |
| ENTER APPROPRIATE BASIC FEE AMOUNT =   |              |  |           | \$ 730.00                                |                   |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).   |              |  |           |  |                   |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA                                 | RATE      |  |                   |
| Total claims   | 11 - 20 =    | 0  | x \$18.00 | \$                                       |                   |
| Independent claims   | 2 - 3 =      | 3  | x \$86.00 | \$                                       |                   |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |  | + 290.00  | \$                                       |                   |
| TOTAL OF ABOVE CALCULATIONS =  |              |  |           | \$ 730.00                                |                   |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |              |  |           | \$ 365.00                                |                   |
| SUBTOTAL =   |              |  |           | \$ 365.00                                |                   |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |  |           |  |                   |
| TOTAL NATIONAL FEE =   |              |  |           | \$ 365.00                                |                   |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +   |              |  |           | \$                                       |                   |
| TOTAL FEES ENCLOSED =  |              |  |           | \$ 365.00                                |                   |
|  |              |  |           | Amount to be refunded:                   |                   |
|  |              |  |           | charged:                                 | \$ 365.00         |
| a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.  |              |  |           |  |                   |
| b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 20-1430 in the amount of \$365.00 to cover the above fees. A duplicate copy of this sheet is enclosed.   |              |  |           |  |                   |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed.                                  |              |  |           |  |                   |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.      |              |  |           |  |                   |
| <b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.   |              |  |           |  |                   |
| SEND ALL CORRESPONDENCE TO:  |              |  |           |  |                   |
| Jean M. Lockyer, Ph.D.<br>Patent Agent<br>Townsend and Townsend and Crew LLP<br>Two Embarcadero Center, 8th Floor<br>San Francisco, CA 94111   |              |  |           |  |                   |
|  |              |  |           | SIGNATURE                                | DATE              |
|  |              |  |           | Jean M. Lockyer                          | November 30, 2004 |
|  |              |  |           | NAME                                     |                   |
|  |              |  |           | 44,879                                   |                   |
| REGISTRATION NUMBER  |              |  |           |  |                   |